

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-CV-00504-FDW-DSC

CPI SECURITY SYSTEMS, INC.

Plaintiff,

v.

VIVINT SMART HOME, INC.
f/k/a MOSAIC ACQUISITION CORP.;
LEGACY VIVINT SMART HOME, INC.
f/k/a VIVINT SMART HOME, INC.

Defendants.

**DEFENDANTS' TRIAL EXHIBIT
LIST (WITH CPI'S OBJECTIONS)**

Pursuant to section 4(c)(i)(4) of the Case Management Order, Defendants Vivint Smart Home, Inc. and Legacy Vivint Smart Home, Inc. (together, "Vivint") disclose the following exhibits they may offer at trial:

Objections Key

A: authenticity
C: confidential
F: foundation
FM: form (argumentative, asked and answered, compound, leading, hypothetical, narrative, vague, misstates testimony, calls for legal conclusion)
R: relevance
UP: unfairly prejudicial
H: hearsay
IA: inadmissible
IC: incomplete testimony
IR: improper refreshing of recollection
MIL: subject of motion in limine
R: relevance
UP: unduly prejudicial
NR: nonresponsive
NAR: narrative response
MTS: subject of motion to strike
P: privileged

NP: not produced in discovery

S: improper summary

CU: cumulative/repetitive

DD: *see* Deposition/Discovery Designation Objections (incorporated by reference)

PBA: prior bad acts/inadmissible character evidence

SD: settlement discussions

No.	Description	Stip. of Auth.	Stip. of Admiss.	Objections	Identified By	Admitted
Customer documents						
1	Diamond Lott – Vivint contract and Schedule of Equipment and Services (VIVINT00005403-05)	X		R		
2	Debra Conyers - Vivint contract and Schedule of Equipment and Services (VIVINT00005245-47)	X		R		
3	Oatis Smith - Vivint contract and Schedule of Equipment and Services (VIVINT00007899-7901)	X		R		
4	Monique Spears – Vivint contract and Schedule of Equipment and Services (VIVINT00007774-76)	X		R		
5	Patricia Diggs – Vivint contract and Schedule of Equipment and Services (VIVINT00007987-89)	X		R		

6	Shaundricka Rutherford – Vivint contract and Schedule of Equipment and Services (VIVINT00004364-66)	X		R		
7	Tiffany Logan – Vivint contract and Schedule of Equipment and Services (VIVINT00009145-47)	X		R		
8	Lakeata Johnson – Vivint contract and Schedule of Equipment and Services (VIVINT00006992-94)	X		R		
9	Alfred Wynn – Vivint contract and Schedule of Equipment and Services (VIVINT00004047-49)	X		R		
10	Shawanda Legall – Vivint contract and Schedule of Equipment and Services (VIVINT00008640-41, VIVINT00008644)	X		R		
11	Chantal Cureton – Vivint contract and Schedule of Equipment and Services (VIVINT00004705-07)	X		R		

12	William Hawkins – Vivint contract and Schedule of Equipment and Services (VIVINT00001316-18)	X		R		
13	Tonya Bobbitt – Vivint contract and Schedule of Equipment and Services (VIVINT00000204-06)	X		R		
14	William Gause – Vivint contract and Schedule of Equipment and Services (VIVINT00009434-36)	X		R		
15	Melvin Barnes – Vivint contract and Schedule of Equipment and Services (VIVINT00007621-22, VIVINT007625)	X		R		
16	Tyler Justice – Vivint contract and Schedule of Equipment and Services (VIVINT00009236-37, VIVINT009240)	X		R		
17	Vanessa Walker – Vivint Schedule of Equipment and Services (VIVINT00001249)	X		R		
18	Miriam Garcia – Vivint contract and Schedule of	X		R		

	Equipment and Services (VIVINT00008428-29)					
19	Denis McDowell – Vivint contract and Schedule of Equipment and Services (VIVINT00005275-77)	X		R		
20	Jereme Lukoskie – Vivint contract and Schedule of Equipment and Services (VIVINT00006325-27)	X		R		
21	Kevin Daniel – Vivint contract and Schedule of Equipment and Services (VIVINT00007358-60)	X		R		
22	Coy Medley – Vivint contract and Schedule of Equipment and Services (VIVINT00004863-65)	X		R		
23	Sara Danison – Vivint contract and Schedule of Equipment and Services (VIVINT00008506-07, VIVINT008509)	X		R		
24	Frank Cherry – Vivint contract and Schedule of Equipment and Services	X		R		

	(VIVINT00005748-50)					
25	Dibania Brito – Vivint contract and Schedule of Equipment and Services (VIVINT00000337-39)	X		R		
26	Wanda Peebles – Vivint Schedule of Equipment and Services (VIVINT0009384)	X		R		
27	Cynthia Williams – Vivint contract and Schedule of Equipment and Services (VIVINT00005006-08)	X		R		
28	Quincy Washington – Vivint contract (VIVINT00008110-11)	X		R		
29	Clarence Parks – Vivint contract and Schedule of Equipment and Services (VIVINT00000218-20)	X		R		
30	Ray Lacy – Vivint contract and Schedule of Equipment and Services (VIVINT00000920-22)	X		R		
31	Michelle Card – Vivint contract and Schedule of Equipment and Services	X		R		

	(VIVINT00009380-82)					
32	Melissa Manns – Vivint contract and Schedule of Equipment and Services (VIVINT00007612-14)	X		R		
33	Danielle Harrison – Vivint contract and Schedule of Equipment and Services (VIVINT00005064-65, VIVINT005067)	X		R		
34	Jeffrey Salinas-Medina – Vivint contract and Schedule of Equipment and Services (VIVINT00006266-67, VIVINT006270)	X		R		
35	Gregory Dennis – Vivint contract and Schedule of Equipment and Services (VIVINT00000443-45)	X		R		
36	Ember Styers – Vivint contract (VIVINT00000357-58)	X		R		
Documents relating to CPI's claimed damages						
37	News article – Catherine Muccigrosso, <i>Former CPI Security manager claims racial discrimination, retaliation in</i>	X		R, UP, H MIL		

	<i>lawsuit</i> , Charlotte Observer (Nov. 23, 2021)					
38	<i>Kelley Phelps v. CPI Security Systems, Inc. and Kenneth Gill</i> , Complaint	X		R, UP, H MIL		
Documents produced by Vivint						
39	Vivint pre-installation survey (S. Legall video, non-affiliation) – (VIVINT008643)	X				
40	Vivint pre-installation survey (S. Legall video, buy out) – (VIVINT008642)	X				
41	Vivint pre-installation survey (D. Conyers written) – (VIVINT005240-44)	X				
Depositions and exhibits in <i>CPI v. Vivint et al</i>, 3:20-CV-00504-FDW-DSC						
42	Deposition transcript of Alline Maxwell, 8/30/2021	X		IA, DD		
43	Exhibit 1 – 2019 CPI Contract	X	X	DD		
44	Exhibit 2 – 2021 CPI Contract	X	X	DD		
45	Exhibit 3 – 8-28-20 Order to Terminate Services	X	X	DD		
46	Exhibit 4 – 8-22-20 handwritten note to cancel services	X	X	DD		
47	Deposition of Jorge Millares	X		IA, DD, R, UP, H, MIL		
48	Rule 30(b)(6) Deposition of CPI (John Shocknesse),	X		IA, DD		

	including exhibits thereto					
49	Exhibit 1 – Deposition Notice	X	X	DD		
50	Exhibit 2 – Amended Complaint	X	X	DD		
51	Exhibit 3 – CPI’s Initial Disclosure	X	X	DD		
52	Rule 30(b)(6) Deposition of CPI (Eric Schachner)	X		IA, DD		
53	Exhibit 1 – Second Amended Deposition Notice	X	X	DD		
54	Exhibit 2 – Amended Complaint	X	X			
55	Exhibit 3 – CPI’s Initial Disclosure	X	X	DD		
56	Exhibit 4 – CPI’s 1 st Interrogatory responses	X	X	DD		
57	Exhibit 5 - Financials	X	X			
63	Exhibit 5 – Expert Report of Brian Buss	X		IA, DD		
67	Exhibit 3 – Charlotte Observer Article (2020)			A, R, UP, H MIL		
69	Exhibit 1 – Expert Report	X		IA, H		
Vivint’s expert reports and documents relied upon						
71	Expert report of Brian Buss and	X		IA, H		

	documents reviewed as set forth therein					
72	Expert report of Mark Gustafson and documents set forth in attached Appendix B	X		IA, H		
Publicly-available online documents						
73	Vivint trademark registrations			A, R		
CPI's discovery responses and Rule 26 disclosures						
74	CPI's Responses and Objections to Defendants' First Requests for Production	X	X	DD		
75	CPI's Suppl. Responses and Objections to Defendants' First Requests for Production	X	X	DD		
76	CPI's Answers and Objections to Defendants' First Set of Interrogatories	X	X	DD		
77	CPI's Supplemental Answers and Objections to Defendants' First Set of Interrogatories	X	X	DD		
78	CPI's Rule 26(a)(1) Disclosure	X	X	DD		
79	CPI's First Suppl. Rule 26(a)(1) Disclosure	X	X	DD		
80	CPI's Second Suppl. Rule 26(a)(1) Disclosure	X	X	DD		
Documents produced by CPI						
81	Audio recording and/or transcription of audio recording of call between CPI and	X		R, UP, H		

	Diamond Lott (CPI0001088)					
82	Audio recordings and/or transcriptions of audio recordings of call between CPI and Ashley Goodman (CPI00001161, CPI00001167)	X		R, UP, H		
83	Audio recording and/or transcription of audio recording of call between CPI and Chris Love (CPI000000775)	X		R, UP, H		
84	Audio recording and/or transcription of audio recording between CPI and Ricardo Douglas (CPI00001177)	X		R, UP, H		
85	Audio recording and/or transcription of audio recording between CPI and Kristen Quinn (CPI00000059 and CPI00000060)	X		R, UP, H		
86	Audio recording and/or transcription of audio recording between CPI and “Ricky” (CPI00000775)	X		R, UP, H		
87	Cancel Call Process – (CPI00000001)	X	X			
88	CFL Training Materials – (CPI00000002-12)	X	X			
89	“Know Your Competition By the Facts” – (CPI00000013)	X	X			

90	CPI Email Sends/ "Alerts" – (CPI00000014-21)	X	X			
91	CPI Email Send Summary – (CPI00000022)	X	X			
92	CPI "Alert" – (CPI00000023-24)	X	X			
93	CPI email dated 8/11/20 – (CPI000000025)	X	X			
94	"Vivint Cancels & Saves" – (CPI00000594-596)	X	X			
95	CPI Powerpoint: Vivint – (CPI00000597-608)	X	X			
Additional documents relating to CPI's claimed damages						
96	News article – Caroline Hudson, <i>Can CPI Security recover after CEO's protest comments? It will be an uphill climb</i> , Charlotte Bus. J. (June 12, 2020)	X		R, UP, H MIL		
97	News article – Erik Spanberg, <i>Panthers, Hornets dump CPI as sponsor over CEO comments</i> , Charlotte Bus. J. (June 7, 2020)	X		R, UP, H MIL		
98	News article – Catherine Muccigrosso, <i>Callers to CPI Security after CEO's protest remarks face wait times of up to 24 hours</i> , The Charlotte Observer (June 15, 2020)	X		R, UP, H MIL		

99	News article – Jason Stoogenke, <i>Some customers say they're willing to break contract with CPI after CEO's comments</i> , WSOCTV (June 9, 2020)	X		R, UP, H MIL		
100	News article – <i>CBJ Morning Buzz</i> , Charlotte Business Journal (June 16, 2020)	X		R, UP, H MIL		
101	News article – Rick Bonnell, <i>Charlotte YMCA, Bojangles cut ties over CPI Security CEO Gill's protest remarks</i> , Charlotte Observer (June 10, 2020)	X		R, UP, H MIL		
102	News article – ESPN, <i>Panthers cut ties with CPI Security after CEO's comments on police brutality</i> , ESPN.com (June 6, 2020)	X		R, UP, H MIL		
103	News article – Erik Spanberg, <i>Panthers, Hornets dump CPI as sponsor over CEO comments</i> , Charlotte Business Journal (June 7, 2020)	X		R, UP, H MIL		
104	News article – Associated Press, <i>Ex-manager at security company files discrimination lawsuit</i> , Miami Herald (Dec. 3, 2021)	X		R, UP, H MIL		
105	News article – Associated Press, <i>Ex-</i>	X		R, UP, H		

	<i>manager at security company files discrimination lawsuit, Charlotte Observer (Dec. 3, 2021)</i>			MIL		
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Miscellaneous exhibits

	Without waiving any objections or conceding the admissibility or relevance of any such exhibit, all exhibits listed by Plaintiff.					
	Exhibits needed for cross-examination, rebuttal or impeachment.					
	Charts, diagrams, photographs, summaries, compilations or demonstrative exhibits being prepared for presentation at trial.					
	All expert files, curriculum vitae, and/or reports submitted by any party to this action.					
	All pleadings filed and/or exchanged in the instant matter, including but not limited to discovery pleadings.					
	All documents produced by any party to this action.					
	All documents produced by any non-party to this action pursuant to records request or subpoena.					
	All expert reports submitted by any party to this litigation.					
	All transcripts of depositions taken in this litigation, videos of such depositions, and exhibits thereto.					
	Defendants reserve the right to identify additional witnesses, deposition testimony, and exhibits that may become available through additional investigation or discovery, or that otherwise appear necessary to the defense of this action after further preparation for trial. <u>Defendants further reserve the right to not offer any of the exhibits, deposition testimony, or witnesses on this list, including but not limited</u>					

<p><u>to grounds including the Court's future rulings on evidentiary issues and/or motions.</u> Defendants reserve the right to object to the admissibility of any exhibit listed herein.</p>				
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